

Statement

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**Subcommittee on National Security, Emerging Threats, and International
Relations**

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Chairman Shays, Mr. Kucinich, and members of the subcommittee, I wish to thank you for holding this very important hearing today on issues relating to information access restrictions and for inviting me to testify. I am especially pleased to be joined this morning as a witness before the Subcommittee by my able colleague, Bill Leonard, who heads the Information Security Oversight Office (ISOO), an office within the National Archives and Records Administration (NARA).

Mr. Chairman, I appreciate the opportunity for Mr. Leonard and me to share with you and other members of the Subcommittee NARA's response to the situation which we have confronted in the past several weeks.

I said at the time that "Inappropriate declassification can subject our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations to potential harm. Inappropriate classification (and reclassification) needlessly disrupts the free flow of information and can undermine our democratic principles which require that the American people be informed of the activities of their Government. This is not an either/or challenge. Deliberate, continuous effort is required to succeed at both. The American people expect and deserve nothing less and the National Archives is determined to fulfill its role in this process." I meant what I said.

In late February, in response to complaints received from a group of historians and researchers regarding agency classification activity which has resulted in a number of historical documents being withdrawn from the open shelves at the National Archives and Records Administration, I began several actions as part of a review of the reclassification of documents.

Several weeks ago, the Information Security Oversight Office initiated an audit to:

- Identify the number of records withdrawn from the open shelves over the past several years;
- Identify who initiated the withdrawal action;
- Identify the authorization and justification for the withdrawal;
- Through a statistically significant sample, determine the appropriateness of the classification action (i.e. was the action in accordance with the terms and limitations of E.O. 12958 [as amended] and does the information satisfy the standards for continued classification?);
- Examine the effectiveness of our own internal processes and procedures and make improvements where required.

The audit involves consultation with both affected agencies and members of the research community. The audit will result in a public report designed to provide the greatest feasible degree of transparency to this classification activity and will be available within the next 60 days.

As part of its continuing responsibility to oversee the Executive branch's security classification system, ISOO will issue annual updates providing insight into any similar activity conducted in the future. These updates will address the same issues and entail the same methodology used in the current audit and will be included in ISOO's annual report to the President on implementation of E.O. 12958, as amended.

These immediate steps on my part were followed by consultations with concerned researchers, after which I announced additional actions as part of the ongoing investigation into the withdrawal of previously declassified records at the National Archives. These steps included:

- The imposition of a moratorium on other agency personnel identifying for withdrawal for classification purposes any declassified records currently on the public shelves at the National Archives until the audit is complete.
- A "summit" with national security agencies involved with these withdrawal efforts within the next week. The purpose of this meeting is to ensure the proper balance of agency authority to restore classification controls where appropriate and my obligation to ensure maximum access to archival records consistent with law, regulation and common sense.
- A call upon affected agencies to join me in restoring to the public shelves as quickly as possible the maximum amount of information consistent with the obligation to protect truly sensitive national security information from unauthorized disclosure.
- The initiation of a review of National Archives internal processes for implementing agency classification/declassification decisions and the implementation of improvements to ensure that the National Archives remains a catalyst for timely public access.
- Directing the Information Security Oversight Office to develop, in consultation with affected agencies, clear and concise standardized guidance, with an appropriately high threshold, that will govern any future withdrawal of records

from the open shelves for classification purposes. This guidance will be promulgated prior to allowing future removal of any records from the open shelves for classification purposes and will be publicly available.

- Requesting the recently constituted Public Interest Declassification Board, consistent with its charter, to independently advise me on this issue.

At the “summit” with Federal agency officials on March 6, I stressed the following points:

- The commitment of the National Archives to maintain a balanced approach, by acknowledging the importance of protecting national security and at the same time recognizing the public interest in having archival records available;
- The commitment of the National Archives to continue to work cooperatively with the agencies, while urging the agencies to move swiftly on returning documents back to the open shelves, when appropriate;
- The need to establish a protocol and standards for the review of documents that agencies feel have been incorrectly placed on the open shelves;
- The need to consider creating a National Declassification Initiative to replace the current agency-centric approach to declassification. This proposal may address the bureaucratic structure, resources and policies needed to create a centralized declassification program coordinated by the National Archives.

Representatives of the Federal agencies attending the “summit” unanimously agreed to support the moratorium on identifying for withdrawal any new material that is currently on the open shelves at the National Archives. They also agreed to work towards creating new procedures for the review of materials and were supportive in principle of the concept of a National Declassification Initiative. Many agencies, however, acknowledged challenges to meeting both the December 2009 deadline for declassification of most documents more than 25-years old, in accordance with Executive Order 12958, as amended, and reexamining the previously withdrawn documents.

Mr. Chairman and members of the Subcommittee, Bill Leonard will provide further details concerning NARA’s and specifically ISOO’s response to the challenges of implementing our recent directives and proposals. As the Archivist of the United States, however, I am here today to bear witness to the seriousness with which the National Archives treats its responsibilities in this area. I will close my prepared remarks by stating to you what I said to the agency officials gathered in the conference room at NARA last week.

First, I want to thank the Office of the Director of National Intelligence for stating that “[the intelligence agencies will] continue to work with the National Archives to strike a balance between protecting truly sensitive national security information from

unauthorized disclosure and ensuring that the public receives maximum access to unclassified archival records.”

As for the National Archives, the core goals of our mission statement commit us to preserving and processing records for opening to the public as soon as legally possible and providing prompt, easy and secure access to our holdings.

Mr. Chairman, I note in conclusion that I have placed (and continue to place) an extremely high value on maintaining public credibility, trust and respect for the process of classification and declassification, respect which is earned by responsible stewardship, including efforts to ensure that no information is withheld unnecessarily.

Thank you, Mr. Chairman and members of the Subcommittee for your time and attention.